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COLLECTION

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

LUXEMBOURG

1. At its 48th and 49th meetings, held on 2 December 1997, the Committee considered the second periodic report of Luxembourg on the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.9) and adopted 1/ the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for its submission of its second periodic report, which complied with the guidelines regarding the form and contents of reports to be submitted by States parties. Nevertheless, it regrets the delay in the State party's submission of its report. The Committee also appreciates the very detailed additional information provided in response to the written list of questions. It welcomes the high-level delegation, with which it engaged in an open and constructive dialogue.

1/ At its 54th meeting, held on 5 December 1997.

B. Positive aspects

3. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the International Covenant on Economic, Social and Cultural Rights through its law, policies, programmes, and administrative measures.

4. The Committee notes with satisfaction the existence of a comprehensive social security scheme and the efforts undertaken by the State party to improve and update its legislation with regard to economic and social rights, the introduction of a dependant's insurance, as well as the drafting of a law guaranteeing enjoyment of the right to health care.

5. The Committee welcomes the establishment in 1995 of the Tripartite Coordination Committee as a mechanism designed to promote social peace and stability. The Committee further notes the State party's efforts to address the problems of rising unemployment.

6. The Committee notes the large number of foreigners residing in the State party and welcomes the measures taken by the authorities to ensure the enjoyment of their economic, social and cultural rights.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Luxembourg.

D. Principal subjects of concern

8. The Committee is concerned that the Covenant has not been given the status of domestic law, and that there are no judicial decisions relating to its application by domestic courts. Therefore, jurisprudence on the implementation of the provisions of this treaty in Luxembourg is lacking.

9. The Committee expresses its concern that a clear definition of the principle of gender equality is not expressly entrenched in the Constitution and notes the persistence of inequitable gender disparities, particularly in conditions of work and of salary scales in the private sector.

10. The Committee notes with concern that the provisions recognized by ILO Conventions Nos. 77 and 78 concerning medical examination of young persons in industrial and non-industrial occupations have not been fully incorporated in domestic legislation, especially in relation to the regulation of employment of young workers in domestic service and agriculture.

11. The Committee is concerned about the absence of a comprehensive and specific legal framework that promotes and protects the rights of persons with disabilities.

12. The Committee notes with concern that the Civil Code, which maintains a clear distinction between "legitimate" and "natural" children, discriminates against children born out of wedlock.

13. The Committee is concerned about the absence of a comprehensive programme to combat all forms of sexual exploitation and abuse of children and adolescents.

14. The Committee notes with concern the occurrence in the State party of adolescent health problems, due in particular to drug abuse, and is alarmed about the high incidence of suicide among young people.

15. The Committee is concerned by the absence of specialized geriatric doctors and facilities to addresss the problems of the large ageing population within the State party.

16. The Committee is concerned about the high drop-out rates among the youth of secondary school age.

17. The Committee is also concerned about the absence of human rights education in the school curricula and the low level of awareness regarding the Covenant, especially among the judiciary and within professional groups, among NGOs and among the general public.

E. Suggestions and recommendations

18. The Committee recommends that the State party take all appropriate measures to ensure equal treatment of men and women in employment, especially in the private sector. Furthermore, the Committee encourages the State party to pursue its intention to ratify ILO Convention No. 111 relating to discrimination in employment.

19. The Committee recommends that the State party take all legal measures to ensure that the provisions of ILO Conventions Nos. 77 and 78 are fully recognized by domestic law and are implemented.

20. The Committee recommends that the State party's draft law on the rights of persons with disabilities should be adopted to enhance the promotion and protection of their fundamental rights.

21. The Committee strongly recommends that any existing distinction in the Civil Code regarding children born out of wedlock be eliminated.

22. The Committee recommends that the State party adopt more effective legislation to prevent and protect children and adolescents from all forms of sexual exploitation and abuse.

23. The Committee recommends that the State party continue its efforts to prevent and combat drug abuse and suicide among the youth and, where necessary, reinforce existing measures.

24. The Committee recommends that the State party engage in a review process with a view to decreasing the high number of school drop-outs. The Committee further encourages the State party to adopt the draft law guaranteeing the right to continuing education.

25. In light of the United Nations Decade for Human Rights Education, the Committee encourages the State party to include human rights education in the school curricula. It further recommends that the State party undertake measures to educate the judiciary, professional groups, NGOs and the general public about the provisions of the Covenant.

26. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the second periodic report which remained unanswered, be addressed in the State party's third periodic report, and it urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.